

REMARKS

Claims 23 – 25, 27 – 33, 39, 40, 42, and 43 were pending in the present application. The present Amendment cancels claim 28. Thus, upon entry of the present Amendment, claims 23 – 25, 27, 29 – 33, 39, 40, 42, and 43 will be pending. Claims 23 and 27 are independent.

Applicant submitted an Information Disclosure Statement in the present application on March 2, 2011. Applicant respectfully requests an acknowledgement of receipt of the IDS in the next communication.

Claims 23, 39, 40, and 42 have been rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 4,826,497, to Marcus et al ("Marcus"). Claim 28 has been canceled, and the features formerly found therein have been incorporated into claim 23. Claims 39, 40, and 42 all depend from claim 23. As claim 28 was not rejected over Marcus, the rejection of claims 23, 39, 40, and 42 has been rendered moot. Applicant respectfully requests that it be withdrawn.

Claims 24, 25, 27-29, and 43 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Marcus in view of United States Patent No. 5,165,152, to Kramer et al. ("Kramer") Applicants respectfully traverse. As the features of canceled claim 28 have been incorporated into independent claims 23 and 27, both claims will be discussed here.

Claim 23 is directed to a method of incorporating zeolite in a tampon for suppression or removal of menstrual odors. The method comprises, *inter alia*, distributing zeolite granules on a first non-woven web. The zeolite granules are the sole odor-absorbing materials incorporated into the tampon. The zeolite granules are one or more natural zeolites selected from the group consisting of clinoptilolite, chabasite, and a combination thereof.

On p. 2, the Office Action states that Marcus does not disclose any other odor-absorbing materials than the claimed zeolites that are not optional. (This statement was made in the §102 rejection of claim 23, which has been overcome, but is relevant here.) Applicant respectfully submits that the Office Action has misinterpreted Marcus.

Marcus states that molecular sieves are employed in the articles disclosed therein, not just zeolites (col. 4, l. 35). Molecular sieves are a broad class of materials that include zeolites, aluminosilicates, activated carbons, and others. See http://en.wikipedia.org/wiki/Molecular_sieve. Molecular sieves are thus not necessarily zeolites, and the molecular sieves of Marcus include zeolites and silica polymorphs (col. 4, l. 37-38). In fact, Marcus states that zeolites are disfavored, since they "may not be sufficiently hydrophobic or possess the desired sorptivity." (col. 4, l. 68 – col. 5, l. 1. Sorptivity is the capacity of a substance to absorb moisture.) Accordingly, Marcus utilizes odor-absorbing materials other than zeolite, and in fact teaches away from the same, in contrast to the requirement in claim 23 that zeolites be the sole odor-absorbing material.

Furthermore, Marcus discloses a strong preference for synthetic materials (col. 5, l. 9-18), in contrast to the requirement in claim 23 that the zeolites be natural. Silicalite and F-silicalite, said to be "particularly suitable" in the articles of Marcus (col. 5, l. 24-25), are synthetic molecular sieves, not natural zeolites, as required in claim 23. In fact, silicates are not even zeolites.

Lastly, the Office Action's statement on p. 4 that Marcus discloses the zeolite as clinoptilolite is mistaken as well. Marcus states that clinoptilolite may be an "other component" added to the article (col. 7, l. 23), in addition to the molecular sieves previously discussed. That is, Marcus does not state that clinoptilolite is the only odor-absorbing material, but is only used in conjunction with the molecular sieves disclosed in col. 4. The claims of Marcus verify this interpretation, as clinoptilolite does not appear anywhere in the claims.

Kramer fails to cure the above-described deficiencies of Marcus, and is not relied on by the Office Action to do so. Therefore, claim 23 is patentable over the combination of Marcus in view of Kramer, as are claims 25 and 43, which depend therefrom.

Independent claim 27 is directed to a method of incorporating zeolite in a tampon for suppression or removal of menstrual odors. The method comprises, *inter alia*, distributing zeolite granules on a first non-woven web. The zeolite granules are one or more natural zeolites selected from the group consisting of clinoptilolite, chabasite, and a combination thereof, and are the sole odor-absorbing materials incorporated into the tampon.

As previously discussed, the cited combination of Marcus and Kramer fails to disclose or suggest natural zeolites, selected from the recited group, that are the sole odor-absorbing materials in the tampon. Therefore, claim 27 is patentable over Marcus and Kramer, as is claim 29, which depends therefrom.

Therefore, the rejection of 24, 25, 27, 29, and 43 under 35 U.S.C. §103(a) as being unpatentable over Marcus in view of Kramer has been overcome. Applicant respectfully requests that the rejection of these claims be withdrawn.

Claims 30-33 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Marcus in view of Kramer, and further in view of United States Patent No. 6,030,608 to Hoyes et al. ("Hoyes"). Claims 30-33 depend from claim 27. As previously discussed, the cited combination of Marcus and Kramer fails to disclose or suggest claim 27. Hoyes fails to cure this deficiency, and is not relied on by the Office Action to do so. Therefore, for at least the reasons provided above in support of the patentability of claim 27, claims 30-33 are patentable as well. Applicant respectfully requests that the rejection of claims 30-33 be withdrawn.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles N.J. Ruggiero", written over a horizontal line.

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